THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15896 OF 2007

ORDER :

The petitioners who claim to be in possession and enjoyment of the lands belonging to the 2nd respondent-temple filed this writ petition seeking a declaration that the action of the respondents in proposing to auction the leasehold rights in respect of the land in their possession is arbitrary and illegal.

Though the petitioners did not dispute the fact that they were never granted any lease by the 2nd respondent-temple, it is pleaded that since they are in possession of the land and have already started agricultural operations for the year 2007-08, the proposed auction for grant of leasehold rights to a third party is arbitrary and illegal. It is contended that at this stage if the leasehold rights are granted in favour of any third party, they would be put to loss and suffer irreparable injury. It is further contended that though the 2nd respondent has knowledge of the fact that they started agricultural operations by sowing the seeds, at the instance of the newly constituted Board of non-hereditary trustees, the impugned public auction is proposed to be conducted so as to dispossess the petitioners high-handedly.

Having heard the learned counsel for the petitioners and having perused the material on record, I do not find any substance in any one of the contentions raised by the petitioners.

It is relevant to note that the impugned action of the respondents in proposing to conduct the public auction is in accordance with the Statutory Rules made under A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (Act 30 of 1987) and the respondents are not acting in breach of any Statutory provision.

Since, admittedly, the petitioners are not holding any lease in respect of the land in question, even assuming that they are in possession of the said land, the impugned action of the respondents in

proposing to conduct the auction for grant of leasehold rights cannot be held to be infringing any right, muchless legal right of petitioners. Hence, it is not open to the petitioners to seek a Mandamus restraining the respondents from putting the leasehold rights in respect of the land in question to public auction.

In the circumstances, the Writ Petition, which is devoid of any merit, is hereby dismissed. No costs.

G. ROHINI, J.

Dt. 26-7-2007
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15896 OF 2007

Dated: 26-07-2007

Between :

Bhooma Rudra Reddy and others. … Petitioners

And

The Assistant Commissioner of Endowments,
Endowments Department,
Kurnool, Kurnool District and another. .. Respondents.